

FILED

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

DEC 13 2006

CLERK
U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.

UNITED STATES OF AMERICA)

v.)

DARRYL ANDRE KENNEDY)

CR. NO. 2:06CR-285-WKW-WC

[7 USC 2024(c)]

INDICTMENT

The Grand Jury charges:

COUNTS 1 THROUGH 21

On or about the date listed for each count, in Montgomery, Alabama, within the Middle District of Alabama,

DARRYL ANDRE KENNEDY,

defendant herein, did knowingly and unlawfully present and cause to be presented for payment and redemption, United States Department of Agriculture Electronic Benefit Transfer Food Coupons, commonly referred to as "food stamps", of a value of more than \$100.00 as stated, knowing the same to have been received, transferred and used in a manner not authorized by the Food Stamp Act, as amended (Title 7, United States Code, Section 2011, et seq.), and the regulations issued pursuant to said Act, in violation of Title 7, United States Code, Section 2024(c).

The allegations of the preceding paragraph are realleged and incorporated by reference here as though separately stated and set out for each count as follows:

Count	Date	Approximate EBT Food Coupon Amount
1	12/18/01	\$1,343.00
2	1/9/02	2,615.00

Count	Date	Approximate EBT Food Coupon Amount
3	1/15/02	2,209.00
4	2/5/02	2,977.00
5	2/14/02	2,471.00
6	2/26/02	3,079.00
7	3/4/02	2,531.00
8	3/15/02	2,977.00
9	4/2/02	2,449.00
10	4/15/02	1,033.00
11	5/2/02	1,613.00
12	5/17/02	3,675.00
13	6/13/02	2,829.00
14	6/19/02	437.14
15	10/2/02	1,145.84
16	10/22/02	1,460.00
17	11/8/02	1,560.00
18	12/6/02	2,772.00
19	12/16/02	2,464.61
20	12/20/02	762.40
21	1/10/03	463.45

all in violation of Title 7, United States code, Section 2024(c).

Forfeiture Allegation

A. Counts 1 through 21 of this indictment are hereby repeated and incorporated herein by reference.

B. Upon conviction for a violation or violations of Title 7 United States Code, Section 2024(c) as alleged in Counts 1 through 21 of this indictment, the defendant, shall forfeit to the United States pursuant to Title 7, United States Code, Section 2024(h)(2), any and all property real and personal, used in a transaction or attempted transaction to commit, or to facilitate the commission of a violation of subsection (b) or (c) of Title 7, United States Code, Section 2024, or proceeds traceable to a violation of subsection (b) or (c) of Title 7, United States Code, Section 2024 as alleged in Counts 1 through 21 of this Indictment, including but not limited to the following:

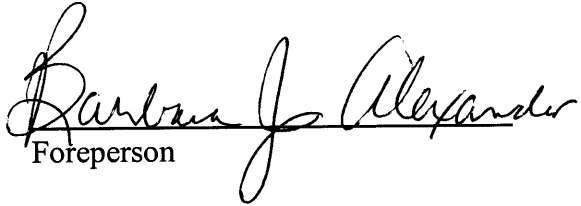
A sum of money equal to Forty-Two Thousand Eight Hundred Sixty-Six and 44/100 Dollars (\$42,866.44) in United States currency, representing the amount of proceeds obtained as a result of the offense in violation Title 7, United States Code, Section 2024(c).

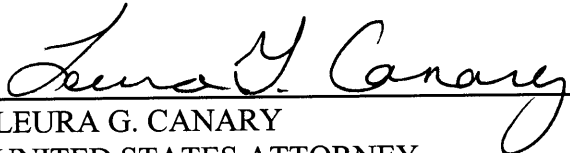
C. If any of the forfeitable property described in this forfeiture allegation, as a result of any act or omission of the defendant:

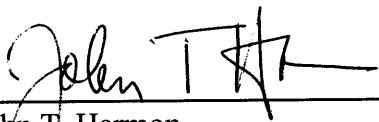
- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without

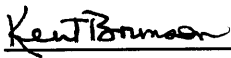
difficulty; the United States, pursuant to Title 21, United States Code, Section 853, intends to seek an order of this Court forfeiting any other property of said defendant up to the value of the forfeitable property, all in violation of Title 7, United States Code, Section 2024.

A TRUE BILL:


Foreperson


LEURA G. CANARY
UNITED STATES ATTORNEY


John T. Harmon
Assistant United States Attorney


Kent B. Brunson
Assistant United States Attorney